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8 UNITED STATES DISTRICT COURT
9 WESTERN DISTRICT OF WASHINGTON
10 AT TACOMA

11 ANTHONY De MARCO,

12 Plaintiff,

13 v.

14 ANDRE ROSSI, *et al.*,

15 Defendants.

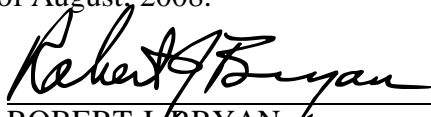
Case No. C07-5352RJB/JKA

ORDER GRANTING
DEFENDANT'S
MOTION FOR SUMMARY
JUDGMENT

16 The Court, having reviewed the Report and Recommendation of Magistrate Judge J. Kelley
17 Arnold, objections to the report and recommendation, if any, and the remaining record, does hereby find
18 and ORDER:

- 19 (1) The Court adopts the Report and Recommendation;
20 (2) Defendant's motion for summary judgment is **GRANTED** and this case is **DISMISSED**.
21 (3) The Clerk is directed to send copies of this Order to plaintiff and to the Hon. J. Kelley
22 Arnold. **This dismissal counts as a strike pursuant to 28 U.S.C. § 1915 (g).**

23 DATED this 29th day of August, 2008.

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25 ROBERT J. BRYAN
26 United States District Judge
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